

Application No. 10/749,168  
Response dated March 6, 2005  
Reply to Office Action mailed September 23, 2005

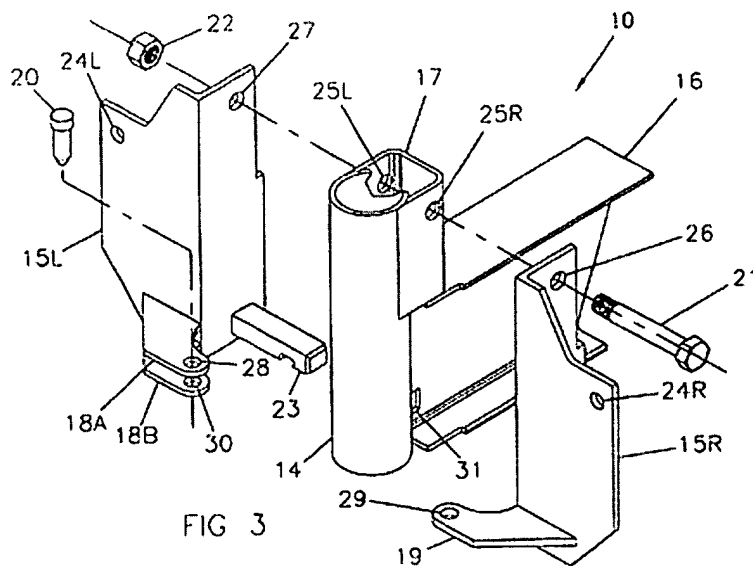
**Amendments to the Drawings:**

The attached replacement drawing sheets are in black in white and are intended to replace the previously submitted drawing sheets which included color.

**REMARKS/ARGUMENTS**

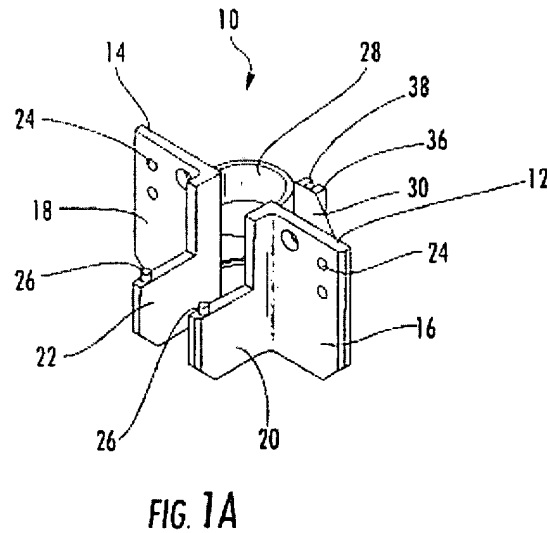
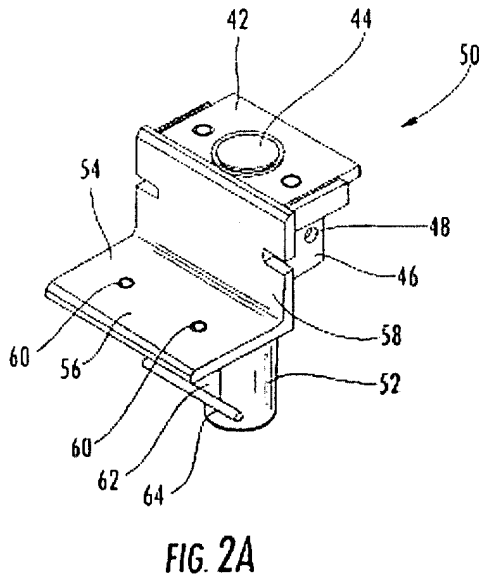
In the Office Action dated September 23, 2005, claims 1-18 were rejected. Claim 15 was rejected under 35 U.S.C. § 112, second paragraph; Claims 1-4, 8-11, and 18 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 6,840,714 to Vache; claims 5, 6, and 17 were rejected under 35 U.S.C. § 103(a) over Vache in view of U.S. Pat. No. 6,193,442 to May; claim 7 was rejected under 35 U.S.C. § 103(a) over Vache in view of U.S. Pat. No. 5,213,448 to Seider; and claims 12-16 were rejected under 35 U.S.C. § 103(a) over Vache in view of U.S. Pat. No. 4,925,345 to McCown. In the present amendment, claim 15 is canceled and claims 1, 16, 17, and 18 are amended. Claims 1-14 and 16-18 are presently in the application and are presented for reconsideration.

Independent claims 1 and 18 were rejected as being anticipated by Vache and independent claims 16 and 17 were rejected as being obvious over Vache in view of McCown and May, respectively. As shown in FIG. 3 of Vache reproduced below, Vache discloses the use of flanges 15L and 15R that have mounting holes 24L and 24R used for attachment of a bracket assembly 10 to a hydraulic system. The flanges are secured to the bracket assembly 10 using, in combination, threaded screw 21, nut 22, and shouldered pin 20. In use, after the bracket assembly 10 has been secured to a piling, the flanges 15L and 15R can be removed and reused but the remainder of the bracket assembly 10 remains in place. The flanges are positioned on either side of a bracket sleeve 14 that is connected to a cantilevered beam 16 which applies the force to the load being lifted.

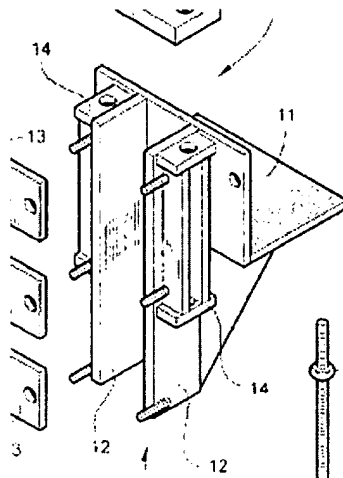


The lifting bracket and support bracket configuration in accordance with independent claims 1, 16, 17, and 18 is not disclosed by Vache. As revealed by the illustrative embodiment reflected in FIGS. 1A and 2A from the subject application shown below, the lifting bracket 10 is removably positioned under the support bracket 50 and at least partially surrounding the tubular

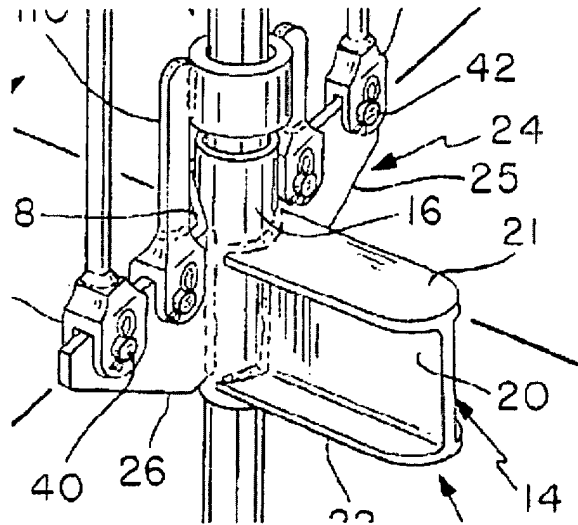
member that is part of the support bracket 50. As such, independent claims 1 and 18 are not anticipated by Vache.



May, used to reject independent claim 17 when taken in combination with Vache, does little to expand on the teachings of Vache with respect to the configuration of the lifting member. In fact, May teaches directly away from the use of a lifting bracket that is separate from the support bracket: “The bracket 11 is welded to two support plates 12.” (May, col. 6, lines 12-13.) An excerpt from FIG. 7 of May appears below to illustrate this difference:



As with May, McCown, used to reject independent claim 16 when taken in combination with Vache, does not add anything to the teaching of the configuration of a lifting member. Rather, McCown teaches the use of a welded together arrangement as described at col. 5, lines 17-28, and shown in the following excerpt from FIG. 1:



The remaining claims pending in the application are dependent claims dependent upon independent claims 1, and thus should be allowable for the above reasons as well as for the additional elements they contain.

**Conclusion**

In view of the amendments and remarks presented above, Applicant believes that the application is now in condition for allowance, and respectfully requests reconsideration of the application, withdrawal of the rejections and allowance of the claims. No new matter has been added to the application. Applicant respectfully requests that the Examiner telephone the undersigned in the event a telephone conference would be helpful in advancing prosecution of the application.

Respectfully submitted,

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**APPENDIX – REPLACEMENT DRAWING SHEETS**